

Appln. No.: 10/607,135

Responsive to Office Action mailed May 18, 2005

**REMARKS/ARGUMENTS**

The non-final Office Action of May 18, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1-5, 8, 10-15, 22, 23, and 25-34 are now pending. This Amendment cancels claims 6, 7, 9, 16-21, and 24, amends claims 1, 10, 22, and 26-28, and adds new claims 29-34. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1, 8-9, 22 and 26-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,270,233 to Holland et al. ("Holland"). Claims 1, 3-4, 8-14, 22, and 26-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,224,234 to Demmery ("Demmery"). Claims 10-14, 22-23, and 27-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,490,047 to O'Rourke et al. ("O'Rourke"). Claims 1, 3-5, 8-14, 25, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,539,626 to Scholz ("Scholz"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Demmery or Holland in view of O'Rourke. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Demmery or Holland or O'Rourke in view of U.S. Pat. No. 5,980,062 to Bell ("Bell"). Applicants respectfully traverse all rejections in view of the amendment and remarks made herein.

Independent claim 1 is directed to a product package intended to hold a product for sale, the product package comprising an exterior wall including an opening. Independent claim 1 is amended only to incorporate all of the features of now-canceled claim 9. Accordingly, claim 1 as amended recites that the opening has a shape associated with the product. Neither Holland, Demmery, nor Scholz teach or suggest the claimed opening having a shape associated with the product being held. In the case of Holland, the Office Action compares the claimed opening with the region in the underside of the disclosed bucket (under platform 12). However, there is no teaching or suggestion that the shape of this round region is in any way associated with the product to be held by the bucket. As for Demmery, the Office Action compares the claimed opening with the lower opening 16 of the disclosed carrier. However, again, this round opening 16 is not taught or suggested to have a shape associated with the product to be held by the carrier. As for Scholz, the Office Action compares the claimed opening with a light-permeable

Appln. No.: 10/607,135  
Responsive to Office Action mailed May 18, 2005

cover 23. However, Scholz does not disclose the shape of the light-permeable cover 23. For at least these reasons, it is submitted that amended claim 1 is allowable.

Independent claim 10 is directed to a product package intended to hold a product for sale. As amended, the claims product package includes a cardboard exterior wall including a light-permeable portion and an opaque portion. None of Scholz, Demmery, or O'Rourke teach or suggest a cardboard exterior wall as claimed. Accordingly, it is submitted that claim 10 is also allowable.

Independent claim 22 is directed to a product packaging filler. As amended, claim 22 recites that the filler is for placement within a rectangular box-shaped volume defined by an exterior wall of a product package, the product package intended to hold a product for sale, and that the product packaging filler includes a dividing wall configured such that, when the product packaging filler is placed entirely within the rectangular box-shaped volume, the volume is divided by the dividing wall into at least a first volume portion and a second volume portion, the second volume portion intended to hold at least a portion of the product. None of Holland, Demmery, or O'Rourke teach or suggest a rectangular box-shaped volume defined by an exterior wall of a product package, as claimed.

Independent claim 26 is directed to a product for sale and its package. As amended, claim 26 recites that the product and its package includes an exterior wall comprises a plurality of separate openings, the exterior wall defining an at least substantially enclosed hollow volume, the volume including a first volume portion and a second hollow volume portion physically divided from the first volume portion, the first volume portion holding at least a portion of the product, and a light source configured to direct light inside the second volume portion, the light being emitted into the second hollow volume portion and through all of the plurality of openings. Neither Holland nor Demmery teaches or suggests the claimed configuration as amended.

Independent claim 27 is directed to a product for sale and its package. As amended, claim 27 recites that the product and package comprises a cardboard exterior wall including a plurality of separate light-permeable portions and an opaque portion. Claim 27 as amended further recites the exterior wall defining an at least substantially enclosed volume holding at least a portion of the product, and a light source disposed completely within the volume and configured to generate light within a hollow portion of the volume, the light being emitted

Appln. No.: 10/607,135  
Responsive to Office Action mailed May 18, 2005

through the plurality of light-permeable portions of the exterior wall. None of Holland, Demmery, or O'Rourke teach or suggest the claimed configuration as amended.

Claims 2-5, 8, 11-15, 23, 25, and 29-34 are also allowable by virtue of depending from allowable claims, and further in view of the additional features recited therein. Moreover, the attempted addition of Bell fails to overcome the above-described deficiencies of the asserted references.

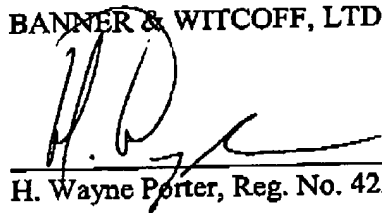
All rejections having been addressed, Applicant submits that this application is in condition for allowance and respectfully solicits prompt notification of the same. Should the Examiner believe that a telephone or personal interview would expedite prosecution, the Examiner is invited to contact Jordan Bodner at 202-824-3150.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 17, 2005

By:

  
H. Wayne Porter, Reg. No. 42,084

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001